HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14484 of 2002

Dated 23rd August, 2007

Between

Sri Venkateswara Talkies,
Mangalagiri, Guntur District,
Rep. By its Partner, Ch.Radhakrishna

…Petitioner

and

The Joint Collector and Licensing Authority,
Guntur District, and, anr.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14484 of 2002

ORDER:

The petitioner, a cinema theatre in Mangalagiri, has filed this Writ Petition questioning the order dated 3-8-2002 in Proceedings in Rc.No.1482/2002-C1, passed by the Joint Collector -licencing authority, suspending the licence of the petitioner on the ground that it had allowed more number of persons than the permitted capacity into the auditorium and also on the ground that they are not maintaining the toilets neatly.

At the stage of admission, this Court had granted interim order on 8-8-2002 and the said order continued all along.

It is the case of the petitioner that there was no proper count of the persons in the auditorium, and, as much as the petitioner was

paying entertainment tax under the slab system, there was no loss of revenue to the government as alleged. The said averment of the petitioner is not controverted by the respondents by filing any counter affidavit, though the matter is pending consideration for the last five years.

Even with regard to the other ground that the petitioner was not using Naphthalene balls in urinal section, and the petitioner was using only phenoil, having regard to the instructions issued in this regard, it is not such a serious allegation to suspend the licence itself. In that view of the matter, the order under challenge, dated 3-8-2002 is quashed.

The Writ Petition is allowed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 23-8-2007
Msnr.